

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**LAKE TEXOMA HIGHPORT, LLC d/b/a  
HIGHPORT MARINA & RESORT &  
HIGHPORT SOCIAL CLUB,**

**Plaintiff,**

**v.**

**AXIS SURPLUS INSURANCE  
COMPANY,**

**Defendant.**

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**CIVIL ACTION NO. 4:17-CV-720  
JUDGE MAZZANT/JUDGE JOHNSON**

**ORDER OF DISMISSAL**

Pending before the Court is the parties' Stipulation of Dismissal with Prejudice (Dkt. #51). In the Stipulation, the parties agree to dismissal of this case with prejudice, all costs to be borne by the party incurring same. *See* Dkt. #51.


Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing "a stipulation of dismissal signed by all parties who have appeared." *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 25th day of October, 2018.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE